

REMARKS

In response to the non-final Office Action dated July 28, 2006, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Upon entry of this response, claims 1-38, 40-59, and 61-66 are pending in the application. In this response, claims 2, 4, 13, 15, 24, 29, 34, 40-43, and 61-64 have been amended, and claims 39 and 60 have been cancelled.

1. Allowable Subject Matter

Applicants appreciate the Examiner's allowance of claims 1-38 and 46-59 and acknowledge the Examiner's indication in the Office Action that claims 42-45 and 63-66 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Accordingly, Applicants have amended claims 42 and 63 to include the limitations of their respective base claims, such that claims 42 and 63 are now independent claims. Claims 40-41, 43, 61-62, and 64 have been amended to depend from now-independent claims 42 and 63. Dependent claims 40-41, 43-45, 61-62, and 64-66 are therefore allowable as a matter of law for at least the reason that each claim contains all features of an allowable independent claim. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the Examiner is respectfully requested to place the instant application in condition for allowance.

Applicants wish to clarify that the amendments to claims 42 and 63 are made for purposes of presenting the claims in an independent claim format as requested by the Examiner, and not in response to any rejections made based on cited art. Because a dependent claim as a matter of law inherently contains all of the limitations of its respective parent independent claim, and any intervening claims, the amendments to claims 42 and 63 do not narrow the scope of claims 42 and 63 as originally filed.

2. Rejection of Claims 39-41 and 60-62 under 35 U.S.C. §102

Claims 39-41 and 60-62 have been rejected under §102(e) as allegedly anticipated by *Cai et al.* (U.S. 6,967,996).

A. Claims 39 and 60

Claims 39 and 60 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of

these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public. Applicants expressly reserve the right to present cancelled claims 39 and 60, or variants thereof, in continuing applications to be filed subsequent to the present application.

B. Claims 40-41 and 61-62

Claims 40-41 and 61-62 have been amended to depended from allowable claims 42 and 63. Applicants submit that claims 40-41 and 61-62 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 40-41 and 61-62 be withdrawn.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-38, 40-59, and 61-66 be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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